

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB220

Hearing Date: Friday January 30, 2009
Committee On: Health and Human Services
Introducer: Gloor
One Liner: Change provisions relating to pharmacy practice and pharmaceuticals

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Campbell, Gay, Gloor, Howard, Pankonin, Stuthman, Wallman
Nay:
Absent:
Present Not Voting:

Proponents:
Senator Gloor
Robert Lassen
Brendon Polt
Marsha Wagner
Linda Stones

Representing:
Introducer
Nebraska Pharmacist Association
Nebraska Healthcare Association
Madonna Rehabilitation Hospital
Nebraska Nurses Association

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 220 changes, adds, and eliminates provisions of the Uniform Controlled Substances Act, the Pharmacy Practice Act, the Emergency Box Drug Act, and the Automated Medication Systems Act relating to prescription drugs and the practice of pharmacy.

Uniform Controlled Substances Act (sections 1-3)

The bill defines "long-term care facility" and deletes the term "institution." Long-term care facility is defined as "an intermediate care facility, an intermediate care facility for the mentally retarded, a mental health center, a long-term care hospital, a nursing facility, and a skilled nursing facility, as such terms are defined in the Health Care Facility Licensure Act."

The bill changes a reference to hospice care program and makes other technical changes. The bill changes provisions relating to the maintenance of records of prescriptions for certain controlled substances. Such records must be maintained "in a form in which the information required is readily retrievable from ordinary business records" of the dispensing practitioner.

The bill replaces the term "members of the healing arts" with "individuals credentialed under the Uniform Credentialing Act." The bill changes and eliminates provisions relating to the destruction of controlled substances owned by a resident of a long-term care facility or hospital. The bill replaces current provisions and requires the destruction of such substances by "two individuals credentialed under the Uniform Credentialing Act and designated by the facility or hospital."

Pharmacy Practice Act (sections 4-7)

The bill adds a definition of long-term care facility to the act. The bill eliminates an exception relating to the transfer of original prescription information between pharmacies. Current law requires the transferring pharmacist or pharmacist intern to indicate void on the record of the prescription "except when a single refill is transferred for emergency or traveling purposes." The quoted exception is deleted.

Emergency Box Drug Act (sections 8-13)

The bill changes, adds, and eliminates definitions and makes harmonizing changes. The bill adds "nurse practitioner" to the definition of "authorized personnel" under the act, replaces the definition of "institution" with "long-term care facility," deletes the definitions of "institutional pharmacy" and "supplying pharmacist," and adds new definitions for "pharmacist" and "supplying pharmacy."

The bill eliminates expiration date provisions and changes provisions relating to the maximum amount of drugs that an emergency box may contain. The bill lengthens the amount of time emergency box inspection records must be retained from two years to five years.

The bill no longer requires the Board of Pharmacy to approve drugs to be included in an emergency box, and lengthens the time that receipts of drugs placed in an emergency box must be retained from two years to five years. The bill lengthens the time that forms documenting the removal of drugs from an emergency box must be retained from twenty-four months to five years. The bill deletes a time limit within which a pharmacist must restock, refill, and reseal an emergency box after it has been opened. The bill deletes provisions relating to the destruction of emergency box drugs and clarifies that the supplying pharmacy is the owner of such drugs. The bill lengthens the time that records of daily examinations of emergency boxes must be retained from twenty-four months to five years.

The bill eliminates provisions relating to the reinstatement of the authority to maintain an emergency box after such authority has been suspended or revoked. Current law requires an application for reinstatement to be accompanied by a written recommendation of reinstatement by the Board of Pharmacy. That requirement is deleted.

Automated Medication Systems Act (sections 14-17)

The bill adds definitions of "long-term care facility" and "prescription" to the act and makes harmonizing changes. The bill permits long-term care facilities to utilize automated medication systems, along with hospital and pharmacies.

The bill outright repeals section 71-2415.

Explanation of amendments:

The committee amendment (AM 217) makes only technical changes to the bill as introduced.

Tim Gay, Chairperson